

REMARKS

By the present amendment, claim 1 has been amended to incorporate the subject matter of claim 11, claims 18-20 have been amended to clarify that the test-taker is required to pay to take the test, claims 15-17 have each been rewritten in an independent format, claim 21 has been added, and claims 11 and 14 have been canceled. Upon entry of this amendment, claims 1-10, 12, 13 and 15-21 will be pending in the application and clean listing of the claims is attached.

Claims 1-10, 13, 14 and 18-20 have been rejected as being anticipated by U.S. Patent No. 6,112,049 to Sonnenfeld. Claims 1-10, 13 and 18-20 now set forth that the test-taker is required to pay to take the test, a feature that the Examiner appears to admit is neither shown nor suggested by Sonnenfeld.¹ Accordingly, the now claimed subject matter is believed to be patentable over this reference.

Claims 11-12 and 15-17 have been rejected as being obvious over U.S. Patent No. 6,112,049 to Sonnenfeld in view of U.S. Patent No. 5,903,777 to Barber. The Examiner contends that "Barber teaches a consumer is required to pay to access page" whereby it would have been obvious "to combine the teachings of Sonnenfeld with Barber to implement the process of charging a fee for accessing information provided over internet because it would meet the user's need for access in way that is secure but fast."

The Barber patent is directed towards the "[m]any information vendors on the Internet . . . accessed by consumers only once or twice for only small amounts of particular information at a time" whereby "the information vendor must charge the consumer only a few cents for each access." More particularly, the Barber patent is concerned with "[t]he challenge of keeping overhead low and providing rapid access." To this end, the Barber invention provides a method of using a third party "banker" as an agent for collecting a fee from a consumer for browsing information provided over a network by a vendor. Before a consumer can request access to a page of information, the banker (after verifying that the consumer has credits on account to pay for the information) mints a token that the consumer can use to pay for the information. The token can be used only by the particular consumer, for a particular page of information. The banker keeps from the consumer the network

1. Claim 14 has been canceled whereby its rejection is now moot.

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location of the information until the consumer returns the token in exchange for the information.

It is respectfully submitted that the proposed Sonnenfeld/Barber combination would not have been obvious. As admitted by the Examiner, Sonnenfeld does not teach that a test-taker is required to pay to take the compiled test. Whatever Barber's teaching may be regarding "minting tokens" and/or "concealing network locations", it does not show or suggest that its teaching should be incorporated into a test-making and/or test-taking system.

Furthermore, a hindsight combination of the Sonnenfeld/Barber teachings would not create the claimed invention. Instead this combination would simply result in a "banker" collecting a fee from a potential test-taker before browsing information over the network. Specifically, the potential test-taker would use his/her "token" in exchange for the information regarding the appropriate network location. Once this network location is known by the test-taker, Barber does not show or suggest that he/she should be required to pay for the services provided at this network location.

Accordingly, Barber is not believed to show or suggest that a Sonnenfeld test-taker should be required to pay to take a compiled test as set forth in claims 1 and 18-20. Also, this reference provides absolutely no indication that the test-maker and the proprietor of the host system should share the revenues generated by the test-taker as set forth in claim 12. Further (especially in view of the fact that the teachings of Barber are aimed towards situations where "charges as small as 1/10th of a cent are feasible"), this reference certainly cannot be viewed as suggesting that a school should enroll students at a set cost per school year as set forth in claim 15, that the charge for a restricted directory should be based on per time a test is taken as set forth in claim 16, and/or that the charge for a restricted directory should be based on per time a user visits the directory as set forth in claim 17. Moreover, a particular objective of the Barber invention appears to be to avoid account-based approaches to what it calls the "pay-per-access" problem. As such, the applied art cannot be viewed as suggesting the account-based approach set forth in added claim 21.

For these reasons, claims 1-10, 12, 13, and 15-21 are believed to be patentable over the applied art.

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Conclusion

In view of the foregoing, the present application is believed to be in a condition for allowance and an early indication to that effect is earnestly solicited.

Should a petition for an Extension of Time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary) petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988, Order No. TESTP0101US.

Respectfully submitted,

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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date:
Cynthia S. Murphy

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1. A method of making a test and posting the test on-line for potential test-takers, said method comprising the steps of:
 - providing a host system and a plurality of remote terminals operatively coupled to the Internet;
 - inputting questions at one of the remote terminals;
 - compiling the questions at the host system to make a compiled test;
 - posting the test on-line for potential test-takers;
 - wherein a test-taker is required to pay to take the compiled test.
2. A method as set forth in claim 1 including the steps of providing a home page that is accessible to both potential test-makers and test-takers and that allows users to cast themselves as either a test-maker or a test-taker.
3. A method as set forth in claim 1 wherein the test-maker is required to input an identifier.
4. A method as set forth in claim 1 further including the steps of editing a compiled test.
5. A method as set forth in claim 1 wherein the step of posting the step includes placing the compiled test in a directory for access by potential test-takers.
6. A method as set forth in claim 5 wherein the directory has a plurality of categories corresponding to different types of tests and wherein the compiled test is placed in the appropriate category.
7. A method as set forth in claim 6 wherein the step of placing the compiled test in a directory includes the steps of placing a just-made test into a temporary category, reviewing the test to determine the appropriate category, and then placing the test into the appropriate category.

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8. A method as set forth in claim 7 further comprising the step of receiving input from the test-maker as to the appropriate category.

9. A method as set forth in claim 5 wherein the test-taker chooses a test from the directory.

10. A method as set forth in claim 9 wherein the test-taker is allowed to preview the test chosen from the directory.

12. A method as set forth in claim 1 wherein the test-maker and the proprietor of the host system share the revenues generated by the test-taker taking the test.

13. A method as set forth in claim 1 wherein the compiled test is placed in a restricted directory and the test-taker must have know a password to access the compiled test.

15. A method of posting a test on-line for potential test-takers, said method comprising the steps of:

providing a host system and a plurality of remote terminals operatively coupled to the Internet;

placing a test in a restricted directory for potential test-takers;

requiring a test-taker to input a password to have access to the restricted directory;

wherein the restricted directory includes academic practice tests and wherein a school enrolls students at a set cost per school year.

16. A method of posting a test on-line for potential test-takers, said method comprising the steps of:

providing a host system and a plurality of remote terminals operatively coupled to the Internet;

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placing a test in a restricted directory for potential test-takers;
requiring a test-taker to input a password to have access to the restricted directory;
wherein the charge for the restricted directory is based on per time a test is taken.

17. A method of posting a test on-line for potential test-takers, said method comprising the steps of:
providing a host system and a plurality of remote terminals operatively coupled to the Internet;
placing a test in a restricted directory for potential test-takers;
requiring a test-taker to input a password to have access to the restricted directory;
wherein the charge for the restricted directory is based on per time a user visits the directory.

18. A system for generating and posting an on-line test, comprising:
a first computer operatively coupled to the Internet, the first computer including software means for generating the test and software means for posting the test on the Internet; and
a second computer operatively coupled to the Internet, the second computer operative to allow a user to take the test and receive test results;
wherein a test-taker is required to pay to take the compiled test.

19. A system for generating and posting an on-line test, comprising:
a host computer operatively coupled to a network backbone, the host computer including means for generating the test and means for posting the test;
a first computer operatively coupled to the host computer, the first computer being operative to generate questions for the test; and

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a second computer operatively coupled to the host computer, the second computer operative to take the test

wherein a test-taker is required to pay to take the compiled test.

20. A system for generating and posting an on-line test, comprising:
host means, coupled to a network backbone, for generating the test and for posting the test;

means, operatively coupled to the host means, for generating questions for the test; and

means, operatively coupled to the host means, for taking the test;

wherein a test-taker is required to pay to take the compiled test.

21. A method as set forth in claim 1 wherein the host system includes a procedure for opening an account for a test-taker.

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